

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RONALD PEARSON,
Plaintiff,

v.

ERIC HOLDER, et. al.,
Defendants.

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No. 3:09-CV-00682-O

ORDER OF DISMISSAL

Before the Court is Defendant Valdez's Motion to Strike Plaintiff's Amended Complaint and Brief in Support (ECF No. 31) filed on December 13, 2010.

On October 20, 2010, the Fifth Circuit issued an opinion reversing this Court's dismissal and remanding for further action. Prior to the filing of a mandate or judgment by the Fifth Circuit, Plaintiff filed a First Amended Complaint (ECF No. 29) without asking leave pursuant to Rule 15(a) of the Federal Rules of Civil Procedure.

Having considered the motion and applicable law, the Court finds that the motion should be and is hereby **GRANTED**. Therefore, it is **ORDERED** that Defendant Valdez's Motion to Strike is **GRANTED**. Plaintiff's Amended Complaint is stricken from the record.

Additionally, Defendant Mitch Bates' Second Motion to Dismiss for Failure to State a Claim (ECF No. 30) is therefore **DENIED as moot**.

SO ORDERED this **14th** day of **December, 2010**.



Reed O'Connor
UNITED STATES DISTRICT JUDGE